## REMARKS

Applicant has carefully studied the Office Action of June 16, 2004 and offers the following remarks in response thereto.

Applicant amends claim 1 to provide a missing "is" to correct a typographical error. The scope of the claim has not changed and no new matter is added.

In the response accompanying the Request for Continued Examination (the last time the claims were presented), Applicant had mislabeled several claims as "Original" when their status should have been "Withdrawn." Likewise, several claims (10 and 22-27) were presented in full, even though these claims had been canceled. The current copy of the claims is presented so that the claims have their correct labels. The Patent Office has considered the correct claims and there does not appear to have been any confusion generated by the incorrect labels.

### Present Invention

Before addressing the current rejection of the claims, Applicant provides a brief summary of the invention so that the remarks relating to the invention are considered in the proper context. The present invention is a system that is designed to work on a kiosk or fuel dispenser and allow multiple user stations to use the Internet concurrently. That is, for example, on a fuel dispenser, there are two user stations. In the kiosk embodiment, two or more user stations may be present. Each user station has its own display and user interface through which the user could utilize the Internet using a respective browser application. It is understood that the users would operate the respective browser applications concurrently and independently.

The present invention reduces hardware costs by consolidating control over the plurality of displays into a single display controller. A separate instance of the browser application will run at each user station. To ensure that the proper information from the respective browser applications is presented on the proper display, the present invention uses unique ports associated with the IP address of the display controller. Information destined for one display will be sent to the unique port designated for the particular display; however, the display controller only has a single IP address associated therewith.

### Rejection of Claims 1, 4-9, 11-21, and 28-33 Under 35 U.S.C. § 103(a) – Suzuki, Microsoft Computer Dictionary, Coutts, Bates, Hacking Dictionary, Webopaedia Port, Webopaedia Numbers, and Grasso

The Patent Office rejected claims 1, 4-9, 11-21, and 28-33 under 35 U.S.C. § 103 as being unpatentable over Suzuki in view of the Microsoft Computer Dictionary (hereinafter "Dictionary"), further in view of Coutts et al. (hereinafter "Coutts"), still further in view of three website printouts (http://www.robertgraham.com/pubs/hacking-dict.html hereinafter "Hacking"; http://www.pcwebopaedia.com/TERM/P/port.html hereinafter "Webopaedia Port" and http://wwwpcwebopaedia.com/quick_ref/portnumbers.asp hereinafter "Webopaedia Numbers"), and still further in view of Grasso. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is shown in the combination of references. MPEP § 2143.03. If the Patent Office cannot do this, then Applicant is entitled to a patent.

Applicant acknowledges that many inventions are combinations of old or known elements. One of the things that makes a particular combination of known elements patentable is that there was no teaching or suggestion in the prior art, at the time the invention was made, to combine the known elements in the manner claimed. To avoid impermissible hindsight reconstruction, the Federal Circuit mandates that to combine references, the Patent Office must do two things. First, the Patent Office must articulate a motivation to combine the references. Second, the Patent Office must support the motivation to combine the references with actual evidence. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). If the combination does not show all the elements, but the Patent Office opines that it would be obvious to modify the combination, then the Patent Office must further provide a second motivation (to support the modification) and then support the motivation to modify with additional actual evidence. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). Further, the references must be considered in their entireties, and the Patent Office is not free to extract isolated portions of the references therefrom. MPEP §2141.02. Still further, if a combination makes one of the references unsuitable for its intended purpose, then the fact that the combination renders a reference unsuited for its intended purpose is evidence that the combination is non-obvious. MPEP § 2143.01.

The present rejection does not lie in a specific combination of references so much as the Patent Office using various references to show that Suzuki's disclosure implies that certain things happen in a certain way. Because of the approach the Patent Office has taken in combining the references, the Patent Office has not shown the proper evidence to justify

combining or modifying the references and thus has not established a *prima facie* obviousness case.

Specifically, the Patent Office indicates in its analysis of claims 1, 13, 14, and 20 that Suzuki's display controller 15 has communication electronics for communicating with a server running a control application by noting that the system device 10 has a modem with which the connection to the Internet becomes possible. The Patent Office parenthetically notes that the use of the term "Internet" implies that a server may be contacted. The Patent Office further opines that the server would run a control application by noting that Suzuki contemplates a browser, which implies use of a control application on the server to view HTML documents obtained by IP addressing techniques and points to the Dictionary. The Patent Office does not specifically combine the Dictionary with Suzuki in this instance, but instead uses the Dictionary to assert that Suzuki's disclosure of a browser and a modem is sufficient to show the recited "communication electronics for communicating with a server running a control application." The Patent Office concludes its analysis of the communication electronics with an assertion that Grasso, column 2, lines 12-24, teaches that the Internet works by using an IP address directed by a port to a particular application or process.

While the Patent Office's analysis of what is implied by Suzuki's disclosure of an internet capable modem and a browser used therewith may be correct, there is a fundamental shortcoming of the Patent Office's analysis and the claim language. Claim 1 recites that each of the browser applications is assigned a unique port address associated with the IP address. Grasso's teaching about using a port address does not teach or suggest that the separate browser applications would have unique port addresses associated with the IP address of the system controller as recited in the claim. The references do not teach using different ports associated with a single IP address for running multiple instances of a browser application. Without such a teaching, the combination cannot teach or suggest the claimed invention. For example, Webopedia Port lists several ports that have known functions, but there is no indication of how the port addresses are assigned if two identical processes are being used or that such would be used in the context of the present invention. Likewise, Grasso states that a specific application or process has a destination (the port). However, Grasso does not explain how the server would assign different port addresses to two browser applications running concurrently or that such would be used in the context of the present invention.

In the Patent Office's analysis on page 6 in the Office Action, page 6 about claims 1, 13, 14, and 20 (Applicant is uncertain why this analysis is separated from the original analysis of claims 1, 13, 14, and 20) the Patent Office attempts to further explain how the references teach that ports are used as part of an Internet browsing experience. However, in each instance, the reference fails to teach or describe what happens when multiple instances of the same program are running at the same time. That is, if a process is running multiple times, the Dictionary does not indicate that the multiple versions of the process each receive a unique port. Likewise, the Hacking does not indicate that if the program is running multiple times, then each time has its own port. Webopaedia Numbers likewise indicates that TCP/IP processes go to port 80. If there are multiple TCP/IP processes, Webopedia Port does not explain that they go to different ports. Also, Grasso does not make this teaching or suggestion either. Thus, even though the references teach sending information to a particular port so that it can go to a particular process, the references are silent as to what happens when the process is running multiple times. Since the reference is silent about this situation, there is no teaching or suggestion that each instance of a process running multiple times gets its own unique port address associated with the IP address.

Absent a teaching or suggestion that it would be appropriate to use different port addresses for concurrent instances of the browser application, the Patent Office has not established *prima facie* obviousness, and the claims are allowable. If the Patent Office opines that it would be obvious to modify the teachings of one of the references such that multiple instances of an identical program would have unique port addresses, then the Patent Office must (1) articulate a motivation to make such a modification, and (2) support the modification motivation with actual evidence. The Patent Office has done neither, and thus, such a hypothetical modification is not proper. Absent such a hypothetical modification, the combination of references (or more accurately, Suzuki, explained by using the other references) does not establish *prima facie* obviousness. Since the Patent Office has not established obviousness, the claims are allowable.

Applicant further opines about why the references do not teach the missing element. It is not clear from Suzuki's disclosure that Suzuki intends multiple instances of a browser to be run concurrently. If Suzuki does not intend to run multiple instances of a browser, then there is no need to assign unique ports to the browser applications running on the different displays, and the Patent Office has not established obviousness. Further, even if Suzuki does contemplate

multiple browser applications running concurrently, there is no requirement in Suzuki or the other references that necessitates that unique ports be assigned to the different browser applications. That is, Suzuki could run multiple browser applications by securing multiple IP addresses, and then each IP address would use port 80 as taught by Webopedia Numbers. Thus, the references do not necessitate the structure recited in the claims. This is further evidence that the claims are non-obvious.

Claims 4-9, 11, 12, 15-19, 21, and 28-33 depend from claims 1, 13, 14, and 20, and are patentable at least for the same reasons discussed above. Also, several claims deserve special mention.

With respect to claims 4 and 28, which recite a kiosk, the Patent Office opines that Coutts teaches a kiosk; however, the combination is not proper in that it makes Suzuki unsuitable for use as a distributed system. That is, Suzuki stresses that its purpose is to have displays scattered throughout a house or other establishment (such as a department store) (see Suzuki, col. 2, lines 48-52). By consolidating the displays into a kiosk, the displays are no longer distributed, and Suzuki has been rendered unsuitable for its intended purpose. This is evidence that the combination is non-obvious.

Applicant further traverses the motivation to combine Coutts's ATM kiosk with Suzuki. The Patent Office opines that Suzuki's teaching that the displays can be used in department stores is a suggestion to put the displays in a kiosk. However, the evidence does not support such a combination. The cited passage in Suzuki merely indicates that the displays could be used for notice equipment in a department store. Notice equipment is typically not a point-of-sale device such as Coutts uses, and thus, someone of ordinary skill in the art would not look to Coutts's point of sale devices for a suitable kiosk. For these reasons, claims 4 and 28 are separately patentable.

With respect to claims 8, 18, and 21, the Patent Office opines that this is taught by claim 7 of Bates. Claim 7 of Bates recites:

> A method as claimed in claim 4 wherein a set of input and output devices at a particular user location includes multiple display devices, the method further comprising the step of maintaining data defining a running set of servers for each user location, said step of actuating said switch without the use of said interactive program including the step of switching output of servers of the running set for the particular user location to different display devices in response to action codes input from such particular location.

Nowhere is there a teaching or suggestion that the control application is adapted to provide certain of the instructions for a corresponding one of the browser applications based on events or instructions unrelated to the input as recited in the claims. Rather, the cited passage instructs the servers to perform certain tasks without the interactive program being used. However, this is not the same as the cited claim element. Since the reference does not teach the element for which it is cited, the Patent Office has not established *prima facie* obviousness, and the claims are allowable.

Applicant further traverses the combination of Bates with the other references. The Patent Office has not articulated any motivation that suggests combining Bates with the other references, much less supported such motivation with actual evidence as required by the Federal Circuit. The only thing the Patent Office states is that Bates concerns multiple display system with further details on the Internet connection. However, merely because a reference is in the same field of endeavor does not make it obvious to combine the references. There must be some suggestion in the art to combine the references. The Patent Office has not articulated such a motivation, so the combination is improper. Thus, even if Bates does teach the element, the combination is not proper, and the combination without Bates does not teach the claim element. Since the combination without Bates does not teach all the elements, the Patent Office has not established obviousness, and the claims are allowable for this reason as well.

Applicant requests reconsideration of the rejection in light of the remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

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8/25/04
Date of Transmission

Date: August 25, 2004
Attorney Docket: 2400-667

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